

No. 4:06-CR-43-FL-1  
No. 4:16-CV-63-FL

Respondent.

ORDER

Accordingly, the court concludes that petitioner has specified the wrong criminal case number on his motion, which relates in substance to the conviction in case number 4:13-CR-28-BR.

Therefore, the clerk of court is DIRECTED to TERMINATE petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence filed on May 9, 2016, (DE 39), and the corresponding motion to appoint counsel (DE 40) filed on that same date. The clerk of court is DIRECTED further to docket these two motions in case number 4:13-CR-28-BR-1, which is the criminal docket of the case in which the challenged judgment was entered. (See Rule 3(b) of the Rules Governing § 2255 Proceedings.) Other than the above, this court has not reviewed petitioner's motions for any substantive issues or made legal analysis, as Senior Judge W. Earl Britt is better positioned to address those issues. Petitioner is cautioned that failure to include the correct case number on his filings impedes justice and causes confusion to the court and the clerk's office, and may result in dismissal of his action.

SO ORDERED, this the 11th day of May, 2016.

  
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LOUISE W. FLANAGAN  
United States District Judge